

REMARKS

This is in response to the Office Action dated December 14, 2010. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendments, claim 14 is amended. Thus, claims 14-21 are currently pending in the present application. No new matter has been added.

Claim Rejections - 35 U.S.C. 103(a)

On pages 3-7 of the Office Action, claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eller et al. (U.S. Patent Application Publication No. 2008/0056556) in view of Pearson (U.S. Patent No. 5,292,029) and Williams et al. (U.S. Patent No. 5,597,995). It is submitted that the present invention, as embodied by the amended claims, now clearly distinguishes over the applied prior art references for the following reasons.

Eller discloses a system including a pill camera 10 for capturing a digital image of the contents of a pill bottle 18, a label camera 12 for capturing a digital image of the bottle label 16 and a storage device 14 for storing images associated with the prescription.

In the Eller system the bottles, into which pills are dispensed, are put on a pallet 30 and discharged by a conveyor 33. The work station 28, for verifying that the pills in the bottle correspond with the prescription, is positioned separately from the dispensing apparatus (see page 3, right column, lines 9-12).

Thus, the disclosed Eller system does not have the following claim features of the present invention:

A. a storage part for storing the vials filled with the tablets and plugged with the cap so that the vials can be taken out by an operator through take-out ports;

- B. a prescription reading unit for reading a barcode of the prescription;
- C. an indicating unit for indicting the take-out port storing the vial containing the tablets corresponding to the prescription read by the prescription reading unit;
- D. a displaying unit for displaying a vial take-out error confirmation screen on an operation display panel when the vial is take out from the indicated take-out port,
- E. the take out ports, the prescription reading unit and the, the displaying unit are positioned in the front surface of the apparatus, and
- F. wherein the displaying unit is operable to display both the prescription data of the prescription and an image of the tablet corresponding to the prescription data of the prescription from the image photographed by the photographing unit and stored in the storing unit on vial take-out error confirmation screen so as to permitting audit whether the tablets have been filled in accordance with the prescription data.

In the Eller system, since the bottle discharge part and the work station 28 are separated from each other, it cannot be confirmed whether or not the bottle, taken out from the pallet 33 discharged by the conveyor 33, is the correct one, which causes the possibility of a bottle take-out error.

In the present invention, as a vial take-out error confirmation screen is displayed on an operation display panel when the vial is taken out from the indicated take-out port, it is possible to confirm whether or not the vial, taken out from the take-out port, is the correct one (take-out error) and to verify the image of the contents of the vial taken out and the prescription to conduct checking at a location around the take-out ports. Since both the confirmation of take-out error and the check are conducted around the take-out ports of the apparatus, as explained above, it is possible to achieve safe and correct checking.

Pearson discloses that lamps 23, 37, 117 of a particular drawer containing the medication for the patient (identified by inputting the patient's ID) are energized, and that the nurse verifies that there is no mistake in the medication dispensed by comparing the CRT display and the printed or hard copy (see col. 5, lines 16-21 and 47-53). With reference to Fig. 2, an indicating unit (CRT display 13) is positioned in a position which appears to be in a front surface of the unit 30.

However, the unit disclosed in the Pearson reference has neither mechanism for capturing images for check nor a bar code reader. In addition, since the Pearson reference fails to disclose what is displayed on the CRT display and what is the printed or hard copy, it is not known what is compared specifically.

Clearly, in the Pearson reference, none of above features (A-F) is disclosed. Thus, any combination of Pearson and Ellis would lack each of the claimed features.

Williams discloses a pharmacy system in which an imaging work station 100, a filling work station, a packing work station 280, and a checking work station 300 are disposed separately from each other. In the checking work station, image 14 of the prescription and image 16 of the drug displayed on the monitor screen 308 are compared with the actual dispensed drug product 230 to check that the proper drug product and quantity for a medical prescription has been properly dispensed (see col. 8, lines 5-12).

Further, in the Williams reference, it is disclosed that, when the pharmacist pulls the prescription order tote 290 from the cubby hole 286 and scans the medical prescription bar code 18 from the label 118, the image 14 of the prescription 12 and the image 16 of the drug product 230 are displayed on the screen 308 so that the pharmacist can verify that the prescription has been properly filled (see col. 10, lines 28-38).

However, in Williams, the image 16 of the drug is not an actual image of the contents in the vial and the actual dispensed drug product 230 is visually observed. In addition, as should be clear from Fig. 1, the checking work is conducted at the checking work station 300 which is positioned separately from the dispensing units 240, 250, 260, 270 and the packing work station 280.

In Williams, since the cubby hole 286 of the packing work station and the checking work station 300 are separated from each other, it cannot be confirmed whether or not the bottle removed from the cubby hole 286 is the correct one, which will obviously result in the possibility of a bottle take-out error.

Finally, in Williams, even if the cubby hole 286 can be considered to correspond to the storage part of the present invention (see feature A) and the bar code scanner 310 corresponds to the prescription reading unit of the present invention (see feature B), the features C-F are clearly not disclosed. Thus, any possible combination of Eller, Williams and Pearson would lack each of the claimed features C-F.

Note that Ogura (applied in rejection of claims 17, 18 and 20) similarly lacks the features that are omitted in the Eller, Williams and Pearson references. And thus, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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